

1                   THE IN UNITED STATES DISTRICT COURT  
2                   FOR THE NORTHERN DISTRICT OF ILLINOIS  
3                   EASTERN DIVISION  
  
4         OSBALDO J. NICOLAS,                              )  
5    )  
6         Plaintiff,    )  
7    )  
8         vs.    ) No. 15 CV 0964  
9    )  
10        NATHAN BERRY; WILLIAM                              )  
11        QUALLS; JUSTIN SNELL;                              )  
12        MATHEW PURDOM; ROBERT                              )  
13        HUGHES; JASON HART;                                )  
14        RICHARD HARRINGTON;                                )  
15        KIMBERLY BUTLER; and                              )  
16        AIMEE LANG,    )  
17    )  
18        Defendants.    )

19    The videoconference deposition of EDGAR  
20        C. DIAZ, taken pursuant to the Federal Rules of  
21        Civil Procedure, before Kathleen A. Hillgard,  
22        Certified Shorthand Reporter No. 084-004093, at  
23        20 North Clark Street, Chicago, Illinois, on  
24        Thursday, August 3, 2017, commencing at 9:03 a.m.  
17        pursuant to notice.

18   APPEARANCES:

19    LOEVY & LOEVY, by  
20    MS. JULIE GOODWIN  
21    (311 North Aberdeen Street, 3rd Floor  
22    Chicago, Illinois 60607  
23    312.243.5900  
24    julie@loevy.com)  
22    appeared on behalf of the plaintiff;

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1           A.     Like to walk through and shit, but it's  
2 not part of the shower.

3 Q. Okay.

4                  A.        As far as like basically where the cage  
5 where the COs be at.

6 Q. Okay. Now, when -- now, at the time  
7 that Osbaldo Nicolas was dragged in that direction  
8 then, you could hear the roughing up or the  
9 beating, correct?

10           A.       The feet, like I don't know, stomping  
11 or whatever you want to call it, stuff like that.

12 Q. Did you hear any shouting, like did you  
13 hear the guards shouting?

14 A. No.

15 Q. Okay. Did any guards stay by you?

16           A.       They -- at the time I didn't know -- at  
17      the time I didn't know the names really of the COs.  
18      That's why when I seen like the case name of the --  
19      of this you had sent me, it was something about  
20      Berry, I was like, He had nothing to do with it.  
21      He was holding me down. He was the one that was  
22      like -- put me against the other wall.

23 And then at the -- at the time,  
24 another CO -- now I know his name because I'm more

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1 Q. Okay.

2 A. That's what they said. They came into  
3 the cell. Intel came into the cell to conduct an  
4 STG activity investigation. So by them writing  
5 that, they're like, oh, okay, we can use impeding  
6 an investigation, and they wrote me two separate  
7 tickets for one incident.

8 Q. Okay. And I'm not asking whether you  
9 necessarily did all these things, but you have been  
10 charged and found either not guilty or guilty of  
11 these charges that are on these pages, 415 and 416,  
12 correct?

13 A. All of this?

14 Q. Yeah.

15 A. Yeah.

16 Q. Okay. Back in February of 2014, did  
17 you and Mr. Nicolas have hooch in your cell?

18 A. I mean, yeah.

19 Q. Okay. Now, this was like, what, three  
20 days after the Superbowl, is that -- is that why  
21 you guys had it in there?

22 A. No. Yeah. Yeah.

23 Q. Okay.

24 A. It was mine.

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1 Q. It was yours?

2 A. Yeah.

3 Q. Did you ever admit that it was yours so  
4 that he didn't get charged with it?

5 A. No.

6 Q. Okay. Why not?

7 A. I don't know.

8 Q. What about a TV in the cell that was  
9 altered?

10 A. That was my TV. I actually -- I  
11 actually had him fix it because we -- they take the  
12 speakers out of the TVs so we can't have no  
13 speakers, so we got to buy by headphones. They  
14 make us buy headphones, basically. So my jack, my  
15 headphone jack was messed up, so I had him fix it.  
16 I paid him to fix my TV. And it just so happened  
17 that they came in the cell and shook down, took my  
18 TV too.

19 Q. Okay. Did you ever tell anyone that  
20 that was your TV, that --

21 A. I mean, they knew. They -- they knew  
22 that was my TV because it had my name on it. It  
23 was a legit TV.

24 Q. It was your TV, but Mr. Nicolas is the

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1 one that altered it for you?

2 MS. GOODWIN: Objection to form.

3 THE WITNESS: You know, I mean, I mean, why  
4 would I pay the IDOC to fix my TV when I can fix it  
5 myself?

6 BY MS. JENNINGS:

7 Q. Okay. But you didn't fix it. It was  
8 Mr. Nicolas who fixed it; is that correct?

9 A. Yeah.

10 Q. Okay. What did you pay him with, money  
11 or commissary?

12 A. I forgot --

13 Q. Okay.

14 A. -- exactly what I ...

15 Q. Okay. So while the cell was being  
16 shaken down or after, when -- I guess when did you  
17 go to the cage? Was it while the cell was being  
18 shaken down or after you returned from chow and  
19 they told you it been shaken down?

20 A. Everybody was coming down up the stairs  
21 back to the 7 gallery, and they kept saying the  
22 name, a Hispanic name, right, which I don't know.  
23 It wasn't mine or his. Because he has two first  
24 names, so I be getting it confused. They're both

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1 you to segregation, or you don't recall?

2 A. No.

3 Q. It was another officer?

4 A. Yeah.

5 Q. Do you know who Officer Purdom is?

6 A. Yeah. He was there, but he was just  
7 watching. He had 8 gallery, stripe gallery.

8 Q. So where was he at while Mr. Nicolas  
9 was in the shower area with Sergeant Qualls?

10 A. Just watching right there by where I  
11 was. He didn't go nowhere near the shower, though.

12 Q. Okay. He was by where you were?

13 A. Yeah.

14 Q. Were there any other COs in the area?

15 A. Yeah. They were all right there. You  
16 know, they all stand by wherever the lines are  
17 going to pass by, so they just be watching.

18 Q. Were lines passing by still at this  
19 point?

20 A. No. They had just ran the line, so  
21 they were going to be gone for a minute.

22 Q. Can you think of any other names of  
23 other officers who were there?

24 A. No.